

HUMMEL CONVICTION UPHELD

APPELLATE DIVISION OF ONE MIND AGAINST HIM.

Justice Ingraham Holds That Dodge's Story of the Conspiracy Was Sufficiently Corroborated—Sharp Comment on Hummel's Letter to Morse—Another Appeal.

The conviction of Lawyer Abraham H. Hummel on a charge of conspiracy growing out of the Dodge-Morse divorce scandal was affirmed unanimously yesterday by the Appellate Division of the Supreme Court. Justice Ingraham in a long opinion finds that the testimony of Dodge against Hummel was fully corroborated by other evidence, and that there were no reversible errors in the conduct of the trial.

Hummel has been at liberty since his conviction, in December, 1905, before Judge Rogers, who sentenced him to the maximum penalty for the misdemeanor, a year's imprisonment and \$500 fine. He obtained a certificate of reasonable doubt pending his appeal to the Appellate Division. He will now appeal again to the Court of Appeals, which means another delay of several months or possibly a year before a final decision can be had to determine whether the lawyer shall be tried again or sent to Blackwell's Island to serve out his sentence.

Meanwhile Hummel has been suspended from practice and the old firm of Howe & Hummel has gone out of business.

The indictment on which Hummel was tried charged him with conspiring with Charles Foster Dodge and Benjamin Steinhardt, who was also a member of the Howe & Hummel firm, to procure fraudulently a judgment of divorce granted to Clarence Dodge against Charles F. Dodge, by falsely representing to the court that the summons in the divorce suit had never been served on Dodge and that Mortimer Ruger, an attorney, who had appeared for Dodge at the trial of the action, had never been authorized by Dodge to so appear.

Justice Ingraham says that the main point upon which the appeal must rest is whether or not the testimony of Dodge, as an accomplice, was sufficiently corroborated. Justice Ingraham then goes into a review of the facts.

Charles Foster Dodge, who has been a hotel proprietor and Pullman car conductor, was married on March 29, 1877, to Clarence Dodge in San Francisco. They moved here later, and in 1897 she began an action in this county for an absolute divorce. He was then keeping a hotel at Atlanta. Mrs. Dodge got her decree on June 21, 1898, and in June, 1901, she became the wife of Charles W. Morse, the president of the American Ice Company, in whose household she had acted as housekeeper.

Charles W. Morse's uncle, James T. Morse, known in Maine and Boston as Col. Jim, a retired sea captain, was the owner of the Eastern Steamship Company, objected to his nephew's marriage to Mrs. Dodge. In 1903 Col. Jim called on Hummel and informed the lawyer that he had heard that Mrs. Dodge's divorce was irregular and that he would like Hummel to look into the matter. Subsequently, as Col. Jim testified at Hummel's trial, Hummel reported to him that the Dodge divorce was irregular and that for a retainer of \$15,000 Hummel would have the marriage of Mrs. Dodge to Mr. Morse annulled. Col. Jim paid the fee in cash and instructed Hummel to do everything he could to upset the marriage, but not to let it be known who was back of the proceedings.

Hummel then sought out Dodge, and in September, 1903, six months after the Dodge divorce had been granted, Dodge was in Hummel's office telling him that he was Dodge told Hummel, according to his testimony, that in 1906 a lawyer in Atlanta had got him to furnish evidence for a divorce, and he did so on condition that she should not ask for alimony.

Dodge then made an affidavit in Hummel's office in which he set forth the above and swore further that he had never been served in the action and knew nothing of its trial or of the appearance for him of lawyer Ruger.

The testimony at the trial of the divorce suit was to the effect that Dodge had been personally served by Ruger in New York, and the day following the making of Dodge's affidavit, Hummel wrote to Justice Ingraham, calling his attention to the alleged irregularity in the Dodge divorce proceedings.

Of this letter Justice Ingraham remarks that if Hummel was in good faith carrying out the instructions of Col. Jim to have the Morse marriage upset his purpose in writing the letter was not apparent. It is clear that Hummel intended to represent Dodge, and he declared that the marriage of Mrs. Dodge to Mr. Morse could not be set aside, leaving Dodge able to sue for a divorce on the ground of his adultery with Morse, and also to sue Morse for the alienation of Mrs. Dodge's affections.

This letter is suggestive, comments Justice Ingraham, although a letter in which Hummel informed Morse that the latter would do well to consult counsel before any legal steps should be taken by Dodge. "What the defendant had in view can be readily surmised," adds the justice, pointing out that a man in Morse's position would naturally and seriously object to any public scandal affecting his wife. But Morse at once called on Hummel and declared that there could be no compromise on the matter. "Which must have been a disappointment to the defendant," Hummel, again comments Justice Ingraham.

Hummel's reply was also that Dodge wanted no compromise, and then, "the object of the letter was to induce Dodge, having been attained," as Justice Ingraham puts it, Hummel moved to reopen the Dodge divorce and set it aside. A new affidavit by Dodge was sworn, and on his application an interlocutory decree was entered annulling his marriage to Charles W. Morse on the ground of the supposed irregularities in the Dodge divorce. This interlocutory decree still stands in the confusion that followed the institution of criminal proceedings against Dodge, who was indicted for perjury.

If Hummel had been imposed on by Dodge, Justice Ingraham remarks here, or had acted in good faith in making the motion and obtaining the order vacating the judgment of divorce, he naturally would have been anxious to assist the public prosecutor in punishing Dodge. He was a member of the bar, owing that duty to the courts and the public.

But when Dodge was arrested in the South Hummel got \$10,000 cash from Col. Jim in Boston and, consequently, got \$20,000 more, or \$40,000 altogether, all of which, Hummel protested, was needed to protect Dodge. A lot of it was spent in keeping Dodge out of the way of the law. Of this Justice Ingraham says:

No possible explanation is offered as to Hummel's conduct in obtaining this money from Morse. I can conceive of no explanation

of this that is consistent with the defendant's innocence. If Hummel had obtained Dodge's presence here and used him for the purpose of upsetting this divorce, Hummel would consider it essential to keep Dodge from being brought here for trial. For Hummel would then be in danger of just what happened—Dodge turning State's evidence, in which case Hummel would be in trouble. But I can conceive of no other reason which would induce Hummel and Morse to pay \$40,000 to protect Dodge from prosecution for the crime of which he was clearly guilty.

The third point is that the evidence, eliminating Dodge's testimony, required that the jury come to the conclusion that the defendant was guilty, certainly the undisputed facts, which would induce Hummel to come to New York and make the affidavit on which Hummel moved to set aside the divorce. Hummel named Bracken as the intermediary who induced Dodge to come to New York. Hummel, Dodge said, promised and paid him \$5,000 in the divorce suit, and testimony before the referee. Justice Ingraham concludes that Dodge's testimony may be more reasonably considered as confirming the inference drawn from the other testimony than as being itself corroborated by the other evidence.

As to the errors alleged by Hummel's counsel, John B. Stanchfield, in the charge of the trial judge, Justice Ingraham says that no exceptions on which a reversal could be granted were taken, nor was any substantial error committed. This applies also to the refusal of Justice Ingraham to charge that the jury should not take into consideration the refusal of Hummel's partners, Cohen and Kaffenburgh, to testify as to their knowledge of or connection with the facts in the whole affair, on the ground that their answers might tend to degrade or incriminate them.

Justice Ingraham also dismisses the argument that the conduct of Assistant District Attorney Rand, who managed the prosecution, was improper. On the whole case, therefore, the Court concludes that the evidence clearly justified the verdict of guilty and that the judgment should be affirmed.

SHE WAS LOST.

And She Announced It Calmly to Headquarters by Telephone.

A pretty little girl in a mustard colored dress and a hat with stone at Sixth avenue and Forty-second street yesterday afternoon, fished a nickel out of her purse and ordered a chocolate ice cream soda. She ate the ice cream and drank the fizzy water calmly, paid her check and then said to the cashier:

"I'm lost. What do you think I had better do about it? Do you think the police can find me, and how may I speak to them?"

The astonished cashier got his change all mixed up before he understood that the child really was in earnest. He had seen lost babies in the store lots of times, but this was the first experience he had had with a young woman whose hair was braided and whose dress and fixings were merely small models of the things grown-ups wear.

"Why," said he, "if you are sure enough lost, call up Police Headquarters, 3100 Spring, and they will help you out." She got headquarters on the phone and told her troubles, a little excitement in her voice, and apparently somewhat worried, but not the least bit weepy or fussy. "My name is Gladys Kiedel," she said, "and I've lost myself from my mother in Sixth avenue. We were on our way to Washington and had started for the ferry. Mother got separated from me in the crowd and I simply don't know where she is. Besides, I don't know my way around at all."

Headquarters promptly let the West Forty-seventh street station know that a little girl had lost her bearings in Sixth avenue and had started for the ferry. Gladys and bring her to the station. When she got there she repeated her story quietly to Brady and set down to await results. The lieutenant in charge of the station, in less than an hour a policeman in Sixth avenue reported that Mrs. Kiedel had showed up seeking her daughter. Send her home and tell her to identify her property," said the lieutenant. "We're not going to turn this little girl over to the wrong person."

Mrs. Kiedel, who lives at 122 West Fifth street, went around and got Gladys. They got a later train for Washington.

BILLS PASSED BY THE ASSEMBLY.

One Gives Board of Estimate Power to Settle Claims Against the City.

ALBANY, May 10.—The Assembly passed Assemblyman Foelker's bill, which is aimed to do away with the constant introduction of bills authorizing the Board of Estimate and Apportionment to inquire into claims against the city of New York and pay the same. The Foelker bill gives the board power to inquire into, hear and determine the facts in relation to any such claim against the city for services rendered or for materials or supplies furnished, although the services were performed and the goods furnished without authority of law. The bill authorizes the board to settle the claims at least it can.

Assemblyman Hamm's bill authorizing the State Comptroller to sell bonds on a 3 and 4 per cent. passed the Assembly.

Fushimi's Trip Through Canada.

OTTAWA, Ont., May 10.—The tour of Prince Fushimi of Japan through Canada will be marked with considerable pomp. Upon arrival at Quebec he will be met by Capt. Newton, A. D. C., as the representative of the Governor-General and by Under-Secretary of State Pope as the representative of the Dominion Government. These gentlemen will accompany the Prince through to the Pacific Coast. Japanese Consul-General Noma will also accompany the party.

The Weather.

The storm which was in the middle Atlantic coast on Thursday disappeared yesterday and that from the Lake regions was passing over the St. Lawrence Valley. There was another heavy rain in the western section and was cause of rain in the middle and lower Mississippi Valley and east Gulf States. At some points the rainfall was excessive.

Approaching, cooler weather caused general cloudiness in the Lake regions, western New York and northern New England. A storm was central over the extreme Northwest, accompanied by rain in Oregon.

In the Missouri, upper Mississippi Valley and Lake regions the pressure was high, causing cool weather from the Dakotas and Nebraska eastward to western New York and New England. Freezing weather was felt in the upper Lake regions, Minnesota and the Dakotas. It was warmer in the middle Atlantic States and the extreme North.

In this city the forenoon was fair and warmer; thunderstorms in the afternoon; wind, fresh to brisk southwest; average humidity, 61 per cent.; barometer, 30.0; rain to day, .01; total for 24 hours, .01. S. W. M. 27.5.

The temperature yesterday as recorded by the official thermometer is shown in the annexed table:

For eastern New York, rain in south, rain or snow in north portion to day and in east and south portions to night; fresh to brisk northeast to north winds.

For the District of Columbia, Maryland, Virginia, Delaware, Pennsylvania and New Jersey, showers and cooler to day; fair to morning, fresh northeast to north winds.

For New England, rain in south and rain or snow in north portion to day; fresh to brisk northeast to north winds.

For western Pennsylvania, rain and cooler to south and rain or snow in north portion to day; fair and warmer to morning, fresh north to east winds.

For western New York, snow or rain to north; fair and warmer to morning; fresh to brisk north to east winds.

LEFT \$800,000 TO AMHERST

LITTLE KNOWN ALUMNUS MADE COLLEGE HIS HEIR.

Edward Currier Had Lived in New York for Years, but His Trust Company Executor Is Having Hard Work to Find Any Next of Kin—Money for Williams, Tee.

President Harris of Amherst College came to New York yesterday to inquire about a half million dollar legacy left to the college by Edward W. Currier of the class of '65, an alumnus who had lived so retired a life that hardly a score of Amherst men in New York ever heard of him. Even President Harris when informed of the gift by a trustee had to reply:

"And who's Edward W. Currier?" The exact amount of the legacy is not known to the trustees, but it can be authoritatively stated that it will be between \$400,000 and \$500,000.

Mr. Currier died a month ago at his home, 28 West Twenty-seventh street. He named as executor of the will the United States Trust Company of New York of 45 Wall street. The will has not been admitted to probate yet, Edward W. Sheldon, president of the trust company, said yesterday, because he has not succeeded thus far in getting in touch with the next of kin. Mr. Currier was a bachelor and left no immediate relatives. Mr. Sheldon said that he had little idea what the estate was worth but that it was large and divided into a number of bequests. From another source it was learned that Amherst is named as the residuary legatee.

The death of Mr. Currier also releases \$180,000 for Williams College, which was an aunt of his who died some years ago. Until he died Mr. Currier had the use of this money.

Edwin W. Currier's father was a member of the firm of Currier & Ives, printers and lithographers who had a place of business in the old American Trust Society Building years ago and later had a store on Nassau street. Lithographers were a novelty then and the firm made money. Young Currier entered Amherst as a sophomore. Herbert L. Bridgman of Brooklyn was a student at the time and that is about all he remembers of Currier's career as a student. At college Currier kept to himself. He belonged to none of the three fraternities that had chapters at Amherst then.

From college he entered his father's firm, but ill health forced his retirement years ago. He belonged to no clubs in New York or elsewhere, so far as can be learned, was a director in no corporations, had no near relatives or intimate friends that could be found yesterday, and when he died, the neighbors say, he had one of the smallest funerals ever seen in the block.

Mr. Currier and his mother, who has been dead some time, used to live in Macdougall street, off Washington Square, until that section began to get out of touch with the social register. Then they moved to the house where he died at 28 West Twenty-seventh street. He was about 60 years old. Recently he had been so feeble that an attendant accompanied him when he went out. He traveled a good deal in Europe. He had been in Lakewood, N. J., until within a few days of his death.

President Harris will visit the United States Trust Company to-day. At the Murray Hill Hotel last night he said that the only thing that worried him was whether so large a gift would be found conformable with New York law. If it amounted to \$400,000 or over it would be the largest single donation the college had ever received, he said. Forty years ago William Walker gave so much that the college has a hall named after him, but it was nowhere near half a million. During President Harris's term of seven years there has been no present exceeding \$10,000. "I wish I could have had the definite news of this first," Dr. Harris confided. "I always like to have the boys get the word before outsiders. As to what we'll do with the money that will be for the trustees to say. I don't even know whether there are any strings on it."

CABINET MEETING POSTPONED.

President Preferred to Be Photographed While Jumping Hurdles.

WASHINGTON, May 10.—The regular meeting of the Cabinet to-day was postponed and will be held to-morrow morning at 11 o'clock. Nobody remembers when a regular Cabinet meeting has ever been postponed before except on account of the absence of the President from Washington or because some extraordinary celebration in Washington intervened.

It was said at the White House that the meeting was postponed because the President thought the fine weather invited him to a holiday, especially as there was no important public business to be transacted. The President left the White House shortly after 11 o'clock, accompanied by Lieut. Fitzhugh Lee, and drove out in the direction of Rock Creek Park. It was learned later that Mr. Roosevelt was being photographed while riding hurdles in the park, where he frequently goes for hard exercise, sometimes accompanied by Baron von Stenberg, the German Ambassador. A local photographer has recently taken a number of snapshot photographs of the President while riding hurdles.

W. G. Crawford's Conviction Upheld.

WASHINGTON, May 10.—The Court of Appeals of the District of Columbia today denied the appeal of William G. Crawford of this city, who was convicted in November, 1905, of conspiring with August W. Jenks, Ed. G. and George W. Jenks, to defraud the Government in the purchase of postal supplies. The effect of this action by the court is to uphold the validity of the sentence of five years in the Federal House of Prison, which is now being served by Crawford.

Panama's New Minister Arrives.

WASHINGTON, May 10.—Señor Don J. A. Arango, who will succeed Señor Don J. Domingo de Obaldia as Envoy Extraordinary and Minister Plenipotentiary of the Republic of Panama to the United States, arrived yesterday and will present his credentials to the President early next week. Señor Obaldia will go to New York on May 22 and will be held June 22 to June 29. President of the republic during the absence of President A. Madrid in Europe this summer.

Army and Navy Orders.

WASHINGTON, May 10.—These army orders were issued to-day:

First Lieut. George H. Hearn Ninth Infantry, from temporary duty to his regiment.

First Lieut. Dexter Sturges, Thirtieth Cavalry, to Washington.

First Lieut. Benjamin D. Poulsen, Twenty-fourth Infantry, to Fort Leavenworth, Kan.

Capt. Philip B. Martindale, 7th Coast Artillery, is detailed for recruiting service at Columbus, Ga.

Major David J. Rumbough, Field Artillery, to attend encampment of the organization of the State of New York to be held June 22 to June 29.

Capt. Edward H. Schulz, engineer, from Guanajuato, Cuba, to St. Louis City, Mo., and relieve Col. James B. Quinn, engineer.

These navy orders were issued:

Ensign D. B. Craig, from the Des Moines to the Cleveland.

Ensign J. E. Page, from the Milwaukee to the Naval Academy, Maryland.

Assistant Paymaster R. Spear, from League Island yard to the Arkansas.

Assistant Paymaster E. C. Little, from the Vermont to the Florida.

Assistant Paymaster F. H. Atkinson, from the Kansas to the Oregon.

Assistant Paymaster H. L. McCree, from Norfolk yard to the Severn.

TO PERSECUTE FREEMASONS.

Italian Government's Alleged Clericalism Is Again Attacked.

Special Cable Dispatch to THE SUN. ROME, May 10.—In the Chamber of Deputies to-day the Opposition made another attack upon the Government's alleged clericalism, which was stronger than the one made yesterday. The Ministers of War and Marine were accused of having instituted inquiries to ascertain what officers in the army and the navy were Freemasons, the idea being imputed that the Ministers consider that members of a secret society cannot possibly serve their country faithfully. The Opposition declared that the Government clearly intended to persecute Freemasons who were officers in order to please the Vatican, which has always been in Freemasonry the Papacy's greatest enemy, the Government's object being to gain the assistance of the clericals in the elections.

The incident emphasized the prospects of the anti-clerical campaign foreshadowed in THE SUN's dispatches yesterday.

SPEAKS UP FOR CANDY.

Physician Says Everybody Should Eat at Least a Quarter of a Pound of Sweets a Day.

Special Cable Dispatch to THE SUN. LONDON, May 10.—A noted Harley street physician bids fair to become the most popular physician in London, especially among the youth of both sexes and among the dentists. Everybody should eat at least a quarter of a pound of sweets daily, is his dictum.

"Nothing," he says, "is more strengthening than sugar. It is possible to work for hours after eating four ounces of chocolate without feeling the slightest fatigue. If I had my way every soldier in the British Army should be allowed a quarter of a pound of sweets every day. My practice is to take five or six lumps of sugar in every cup of coffee or tea."

Asked as to toothache, the physician replied: "I can only advise people to clean their teeth often."

REVOLUTIONARIES AWED.

Sudden Show of Military Force at Lahore Makes the City Quiet.

Special Cable Dispatch to THE SUN. LAHORE, May 10.—The sudden and swift display of military force by the British authorities has dumfounded the revolutionaries, and the arrest and deportation of Lala Rajpat Rai, the chief anti-British agitator, has paralyzed the organization of the sedition movement, which is now without a leader. The troops were out all last night. But the city, hitherto the scene of nightly excitement, inflammatory oratory and processions, slept in unbroken stillness. The streets were utterly deserted.

The Pioneer welcomes the action of the Government of the Punjab, but doubts the necessity or advisability of a frequent repetition of the same. It says that the present situation is not critical or serious if it is firmly treated in the ordinary way.

STRIKERS BOMBARD PLANT.

Factories Almost Destroyed by Stones and Rams—To Lock Out 50,000 Men.

Special Cable Dispatch to THE SUN. BERLIN, May 10.—Of the workmen engaged in a fertilizer factory at Ludwigs-hafen, between three and four thousand went on strike yesterday. At nightfall they attacked the factory buildings and almost demolished them by a continuous bombardment of paving stones and with rams. Revolver shots were fired at intervals. Four policemen were seriously and others less badly wounded. The proprietor saved his life by flight.

The blast struck men at Gelsenkirchen have also struck. They commenced rioting, but the mounted police charged them, using their swords, and put them to flight. Many were wounded. The master builders of Berlin have decided to lock out 50,000 of their dissatisfied employees, who are demanding higher wages and an eight hour day.

EARTHQUAKE IN SICILY.

Violent Eruption of the Volcano Stromboli—Smoke From Mount Etna.

Special Cable Dispatch to THE SUN. ROME, May 10.—The volcano of Stromboli is again active. There was a great eruption between 3 and 4 o'clock this morning, preceded by prolonged rumbling. The windows in the vicinity were shaken. Mount Etna is emitting a dense column of smoke, which reflects the glow of internal fire. There was an earthquake at Nicotia, Sicily, at 4 o'clock this morning.

ELECTORS GO ON STRIKE.

Only One Vote Is Cast and Sixteen Officials Are Selected.

Special Cable Dispatch to THE SUN. PARIS, May 10.—The electors in the commune of Grenoble have gone on strike. In the first ballot of the municipal election nobody voted. In the second ballot only 16 of sixteen officials, who were thus elected. Several of the successful candidates were greatly surprised by the honor thrust upon them.

OPPOSES BENEFACTORS WILL.

Legatee to Residuary Estate Says It Should Go to Testator's Son.

BOSTON, May 10.—Ignaz Marce Gaugengig, an artist, appeared to-day in the Probate Court to oppose the will of Mrs. Phoebe A. Jenks, the portrait painter. Mrs. Jenks died January 29 and left a will by which she bequeathed \$5,000 to her son, Barton Jenks, \$1,000 to her servant, Mary McCullum and \$500 to Mary Minerva. The rest of the estate was to be deposited in the hands of the State of Massachusetts for the benefit of Ignaz Gaugengig, who was to enjoy the interest during life.

Gaugengig opposed the allowance to himself on the ground that Mrs. Jenks was not sound mind and that the property should go to her son.

Lithographers, Laborers or Artists?

John Haering and August Kurzdorfer, lithographers who recently arrived here aboard the steamship Grosser Kurfuerst were held up at Ellis Island accused of being contract laborers and were to go back to Germany if the decision of a special board of inquiry is sustained by the Department of Commerce and Labor. The American Lithographic Company has appealed the case, declaring that the men are not laborers, but artists. The lithographers' union say they are not artists. The union has a strike on its hands, otherwise it might have a different opinion.

Edward B. Moore Appointed Commissioner of Patents.

WASHINGTON, May 10.—The appointment of Edward B. Moore, now assistant commissioner, to be Commissioner of Patents, was to-day announced by the President. Mr. Moore is a native of Michigan and is slightly over 50 years of age. He entered the patent office as a clerk in 1883, was promoted through various grades of examiners to be law clerk in 1898, principal examiner in 1900 and assistant commissioner the same year.

Movements of Naval Vessels.

WASHINGTON, May 10.—The collier Na-shan has arrived at Yokohama, the destroyers Hull and Worden at Hampton Roads and the gunboat Concord at Annapolis. The cruiser Washington has sailed from Hampton Roads for New York yard.

GOV. HUGHES NOT SEEKING HELP

HASN'T RESPONDED TO OFFER OF PRESIDENT TO BACK HIM.

And There Is Now a Decided Coolness Between Washington and Albany—White House Feels That It Has Been Snubbed—Not Counting on Hughes to Help Fight.

WASHINGTON, May 10.—There has been a change of attitude on the part of the President and his political advisers, who had heretofore been active in offering support to Gov. Hughes.

There is little effort here to conceal the now recognized fact that a decided coolness exists between the Administration in Washington and the Administration in Albany. The White House feels that it has been snubbed by Gov. Hughes. No further attempt will be made to get into communication with the Governor, whose attitude is regarded as upbraid and to a certain extent discourteous, although that there is any such opinion concerning New York's Executive will be strenuously denied if the Governor's friends should make inquiries on the subject.

There has been talk here that President Roosevelt would like to have Gov. Hughes named for Vice-President on the same ticket with William H. Taft. This is doubtless true, for Mr. Roosevelt has shown that he believed in Gov. Hughes and his policies and would like to back him up in every way. Besides, the President thinks that the Governor is a very strong man with the people, and it is such a man that he would like to have on the next Republican Presidential ticket, in second place, of course.

Feeling, as has been suggested here, Gov. Hughes suspects the President's efforts to help him in his present, rather passing, troubles are due to a desire to dispose of any Hughes boom for the Presidency by making Hughes the running mate of Taft. Whatever the cause, the Governor has declined to be moved into enthusiastic gratitude by the offer of President Roosevelt to back him up, and the Administration is sore in consequence.

Upon the basis of the representations made by Frederick E. Stevens, State Superintendent of Public Works, the Administration joyously removed Mr. Sanders, Federal Collector of Internal Revenue for the District of Western New York. Mr. Stevens said that Sanders was an enemy of Gov. Hughes and his policies and was using the great influence which came from his Federal office to hurt Hughes.

The removal of Sanders furnished the opportunity of an alliance between the Hughes party in New York and the Administration in Washington and was regarded as paving the way for strengthening President Roosevelt in his own State. It was authoritatively put out from Washington that the removal of Sanders was for the sole purpose of helping the Governor, and then the Administration waited for a sign from Albany that the Governor was grateful. The only sign that came was an informal statement in New York newspapers that, while the Governor declined to talk about the Sanders case, it was known that he had not been consulted in regard to Sanders' removal and did not expect to have anything to say about the appointment of his successor.

Subsequently word came to Washington from Albany, through a friend of Gov. Hughes, that the Governor was not responsible for the newspaper intimation that he did not desire help from the President. This was comforting, but required confirmation from the Governor himself to give it authenticity, according to the Administration view. But the Governor has been silent. He has not responded to the hints thrown out that it might be well to send a word to the President expressive of his thanks for the President's friendly assistance.

After waiting what it believes a sufficient length of time for a message from Albany, the Washington Administration has reached the conclusion that it has been snubbed, and it is not counting on help from Gov. Hughes and his followers in its plans to help the Taft boom in New York.

HEARING ON RAILROAD BILL.

It Restricts Employees of Railroads to 10 Hours of Labor in a Single Day.

ALBANY, May 10.—Gov. Hughes gave a hearing to-day on Senator Page's bill, which would restrict employees of railroads to sixteen hours of labor in any single day. The bill is planned to anticipate a Federal statute which goes into effect on March 4 next and which makes a similar restriction. The railroads, with the prospect of having to work under the Federal law next year, have been bending their energies toward the arrangement of working schedules to meet it. In instances it is necessary for railroads to change the length of their divisions and to work out other plans, even to new construction, in order that the operation of the law shall not be a hardship and unfavorably affect the running of the roads and the interests of the men.

Referred to the committee on the head of the operating departments of their lines told the Governor to-day that in their opinion it was not possible for them to complete their schedules in season for the law to take effect on September 1 next, as the Page bill provides. The only representatives of the organizations of the railroad employees present was inclined to agree with the views of the railroad officials in many respects.

The bill is an amendment to the Penal Code and provides in effect that if any corporation operating a railroad line thirty miles in length or over shall permit any employee engaged in or connected with the movement of trains to remain on duty more than sixteen consecutive hours, or to require or permit any employee who has been on duty sixteen consecutive hours to go on duty without having had at least ten hours of sleep, except in cases of emergency or in case of accident, he shall be guilty of a misdemeanor. On conviction the corporation may be punished by a fine of not less than \$500 nor more than \$1,000 for each offense.

Opposition to the measure on the ground outlined was expressed by General Manager A. H. Smith, Supt. F. A. Harrington and Attorney William P. Budd, representing the New York Central, Second Vice-President Abel I. Culver, the Delaware and Hudson, and others. The only appearance in favor of the bill was made by Engineer A. A. Young, chairman of the executive committee of the Brotherhood of Locomotive Engineers. Mr. Young said that his position was peculiar, as not more than half of the locomotive men of the country were in favor of the bill in any way. He thought that perhaps the hearing had not been sufficiently advertised.

New Deputy Attorney-General.

ALBANY, May 10.—Attorney-General Jackson has appointed John Deneen of Elmira as an additional deputy Attorney-General in his department. Mr. Deneen was the Democratic and Independence League opponent of Assemblyman Morland in the ensuing county election last fall, and his defeat on the face of the returns was undoubtedly due to the failure of the voting machines to record the votes cast for him.

Deneen will have charge of the legal work for the three State departments of insurance, banking and railroads, for which the Legislature has been making separate appropriations, amounting to \$80,000 in all.

B. Altman & Co.

WILL PLACE ON SALE 400 DOZEN PAIRS OF

MEN'S COTTON and LISLE THREAD HALF-HOSE,

AT THE FOLLOWING SPECIAL PRICES:

MEN'S PLAIN BLACK COTTON HALF-HOSE